

District replaces prayer with broader definition to meet legal standard

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Like the three-word phrase replacing the simple term “prayer,” the procedure to permit “pre-game messages” also takes up more time and space than the previous version.

In its second special meeting within a week, the Liberal USD 480 school board voted Wednesday to rescind the previously-adopted “Motion to allow student-led prayer at all USD 480 activities,” then replaced it with a narrower and more detailed policy.



The board’s vote followed an executive session during which five members present and one participating via phone consulted with the district’s legal counsel, attorney Rick Yoxall.

Like the previous special meeting, Wednesday's meeting addressed the legal ramifications of board-approved, student-led prayer at extracurricular events. Once again, board member Tammy Sutherland-Abbott objected to discussion in executive session, which is closed to the public.

After a 20-minute consultation with Yoxall, the board reconvened in open session and took action on two items of new business.

Board member Nick Hatcher, who introduced the idea of student-led prayer at the board's last regular meeting Sept. 23, presented a motion to rescind his sincere but hasty 11-word motion. Chris Jewell seconded the motion, and a divided board passed it, with Sutherland-Abbott and Steve Helm (via phone) against; board president Delvin Kinser and members Crystal Clemens, along with Jewell and Hatcher, voting to rescind. Board member Matt Friederich was unable to attend the meeting, which had been scheduled a mere day in advance.

Hatcher followed with a new motion, crafted to pass muster with legal requirements and 71 words long. It read:

"Motion to create a limited public forum for the free expression of the ideas, opinions and philosophies of the members of the student body, without regard to race, color, sex, religion or national origin through providing an opportunity for a student initiated, student prepared, student led pre-game message at LHS varsity home games, subject to procedures which have been prepared by the administration and are made a part of these minutes."

Again, Jewell seconded the motion. This new policy passed with five board members in favor — Hatcher, Jewell, Sutherland-Abbott, Kinser and Clemens — Helm against and Friederich absent.

Pre-Game Message Procedure

- USD No. 480

1. Students who wish to deliver a pre-game message at LHS varsity home games and who are in “good standing,” as that term is used in the Student Handbook, may sign up in the LHS office.

2. On the day of the game, the principal or assistant principal shall randomly select a student’s name from the list of names of students who have signed up to deliver the pre-game message.

- Any student whose name is randomly selected must be in good standing at the time the student’s name is drawn.

- If the student whose name is first drawn is not in good standing, the student’s name shall be struck from the list and another random selection shall be made until the name of a student who is in good standing has been randomly selected.

3. The student whose name has been randomly selected will be notified at school by the Activities Director, or his or her designee, of the student’s selection to give the pre-game message.

- In the event the Activities Director, or his or her designee, is unable to notify the student of their selection, another eligible student shall be randomly selected in accordance with Paragraph 2 hereof.

4. A time shall be set aside (no more than two minutes in length) prior to commencement of the game in which the selected student shall be entitled to deliver on the public address system a message entirely of the student's choosing, the content of which shall be prepared by the student and not otherwise reviewed by the USD 480 Board of Education or its employees or agents. The subject of the student pre-game message must be related to the purpose of the event, and to the purpose of marking the opening of the game, honoring the occasion, the participants and those in attendance, bringing the audience to order and focusing the audience on the game; provided however, the message shall not contain racist material; threaten or bully any individual or group; incite violence or breach of the peace; contain any vulgarity, obscenity or profanity; or otherwise disturb or disrupt the educational process.

5. The names of all students, except those who at the time of selection were not in good standing, shall remain on the list, subject to the random selection again, unless such student withdraws their name from the list. A student is not limited to the number of times they may be randomly selected to give the pre-game message.

6. The school district shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

7. For as long as there is a need to dispel confusion over the non-sponsorship of the student's speech at each event in which a student will deliver an introduction, a disclaimer shall be stated in written or oral form, or both, such as "The student giving the introduction for this event is a volunteering student selected on neutral criteria to introduce the event. The content of the introduction is the private expression of the student and does not reflect the endorsement, sponsorship, position or expression of the school district."